

## **Indiana Regulatory Occupations Evaluation Committee Minutes of the April 18, 2012 Committee Meeting**

### **Call to Order & Establishment of Quorum**

The Regulatory Occupations Evaluation Committee (ROEC) meeting was called to order on Wednesday, April 18, 2012 in the Government Center South Conference Room W064 at 9:00 a.m.

Committee members present:

- John Graham, Committee Chair
- Barry Boudreaux
- Gloria Downham
- Frances Kelly
- Dave Miller
- Sally Spiers
- Rita Springer

IPLA staff members present:

- Gale Albright
- Marty Allain
- Lisa Bentley

### **Review of Minutes of February 29, 2012 meeting**

The February 29, 2012 minutes were reviewed and unanimously approved by committee members.

### **Presentation of "Part A & B" Assessment for Physical Therapy Committee Mary Bennett, Board Chairman**

Mary Bennett, Board Chair of the Physical Therapy Committee presented a power point (attached hereto as Exhibit A) to the ROEC Committee. Information discussed in that presentation included:

- a. Introduction of PT Board
- b. Types of Harm & Severity of Harm
- c. Current Regulation and Alternatives
- d. Alternatives to Regulation
- e. Proactive Surveillance
- f. Complaint Process & Nature of Complaints
- g. Effectiveness of Current Regulation – Reduced Consumer Harm
- h. Appropriate Regulatory Mechanism & CE Requirements

- i. Affects of Regulatory System
- j. Adequate Resources/Fees vs. Adequate Regulation
- k. Recommendations

Ms. Bennett introduced Terri Schroeder, Executive Director, Kelly Renner who is the President of the Indiana Chapter American Physical Therapy Association and Steve Beebe the association's lobbyist.

Ms. Bennett explained to the committee that the PT committee has been functioning without a consumer member for over a year. She stated that with the committee only consisting of five members it sometimes causes quorum problems.

The history of the committee is as follows:

- Physical Therapists (PTs) were first regulated through the Medical Licensing Board in 1957.
- Physical Therapist Assistants (PTAs) were first regulated in 1971
- The Physical Therapy Advisory Committee was created in 1981 as a result of sunset legislation.
- In 1986 the authority of the committee was increased and became the Physical Therapy Committee.

She explained that only three (3) states regulate physical therapy as a committee under the Medical Licensing Board with Indiana being one. She said that forty-three out of fifty-one states function as an independent board.

Ms. Bennett said that there are eight thousand two hundred eighty-two (8,282) individuals that hold either a license or certification from Indiana. She verified that six thousand three hundred twenty-four (6,324) of those individuals maintain an Indiana residence.

She told the committee that licensure/certification requirements can be slightly misleading because it states that PTs must hold a bachelor degree or higher in physical therapy. She said this would depend upon the year of graduation because most schools now require a doctorate of physical therapy. She further explained that by the year 2015 the Commission on Accreditation in Physical Therapy Education (CAPTE) is requiring that the Doctorate of Physical Therapy (DPT), be the only degree awarded by physical therapy programs. PTAs must have an Associate of Science in Physical Therapist Assisting and pass the national NPTE or NPTE-PTA exam with a minimum score of 600.

Committee Member: How long does the doctoral degree take?

Ms. Bennett: Seven (7) years to complete.

Committee Member: If an individual came to Indiana with a bachelors degree and is licensed in another state, how would the program change impact them?

Ms. Bennett: It would depend on when an individual graduated because the statute does read they must have a bachelors degree or higher.

Committee Member: Do you anticipate the committee bringing the current statute up to date regarding this matter?

Ms. Bennett: There will need to be some grandfathering done because there are still many people practicing that have the master's degree. However, anyone graduating after 2015 would already be in the doctoral program.

She said that consumer complaints through 2011 were less than 20 and ranged in nature from discipline in another state to violations of probationary orders.

Ms. Bennett pointed out that currently the statute reads that individuals may take the test numerous times and their board is going to make a recommendation for change in this area.

Committee Member: Where do most PTs work?

Ms. Bennett: They are equally divided between hospitals, outpatient facilities and school systems.

Ms. Bennett made the following recommendations for the Physical Therapy Committee:

- Physical Therapy Board became independent of Medical Licensing Board.
- Improve public access to physical therapy services.
- Appointment of a public member to the committee.
- Limit the number of times an applicant for licensure can take the examination to six (6).

Committee Member: If someone fails the exam several times, does the committee have the authority to request that they get additional educational assistance?

Ms. Bennett: Currently they have nothing like this in place.

Committee Member: How many physical therapy corporations exist?

Ms. Bennett: Thirty-five (35) and these are mostly independent store-fronts that still need a referral from a doctor.

Dean Graham reminded the committee that the professional corporation issue is already a part of the global issues list that will be discussed later today.

**Presentation of "Part A & B" Assessment for Indiana Athletic Trainers Board David Craig, Board Chairman**

David Craig, Board Chair of the Indiana Athletic Trainers Board along with Scott Lawrence, President of the Indiana Athletic Trainers Association, presented a power point (attached hereto as Exhibit B) to the ROEC Committee. The following information was presented in that presentation:

- a. Introduction of Athletic Trainers Board
- b. Types of Harm & Severity of Harm
- c. Current Regulation and Alternatives
- d. Alternatives to Regulation
- e. Proactive Surveillance
- f. Complaint Process & Nature of Complaints
- g. Effectiveness of Current Regulation – Reduced Consumer Harm
- h. Appropriate Regulatory Mechanism & CE Requirements
- i. Affects of Regulatory System
- j. Adequate Resources/Fees vs. Adequate Regulation
- k. Recommendations

Mr. Lawrence stated that athletic trainers are health care professionals who collaborate with physicians to optimize patient and client activity and participation in athletics, work and life. He said that traditionally athletic trainers have worked with high schools and colleges, but their spectrum of involvement is evolving continuously.

There are thirty-nine thousand athletic trainers in the nation and are considered a stand-alone medical profession. Indiana has one thousand one hundred fifty-four members and is considered a very progressive association by other states.

The AT Board issues two types of licenses; one is an athletic trainers licenses and the other is an athletic training temporary license. The temporary licenses allows individuals that are going out of Indiana, or coming into Indiana to work i.e., Olympic trials or sporting events. The temporary license is good for ninety days (90) in Indiana allowing them to work and still provide protection for the residents of the state of Indiana. If an individual is only going to be in the state for one week or less his or her own state license is acceptable as Indiana practices reciprocity.

Mr. Lawrence stated that the following types of harm can occur:

- Concussion
- Methicillin-Resistant Staphylococcus Aureus (MRSA)
- Heat Illness
- Catastrophic Injuries
- Other Significant Sports Injuries

Mr. Lawrence made the following recommendations to the committee:

- Consumer Complaint Process
  - Create a new form and/or process or;
  - Modify the existing form and process to make the process of submitting a consumer complaint easier
  - Complaint process accessibility
- Resources
  - Indiana Code indicates the Board can audit up to 10% of LAT's for CEUs
  - Currently, the board is auditing 1-3% of LATs for CEUs
  - With additional staff, more audits can be conducted; therefore surveying a larger sample of LATs that are violating code.
- Criminal Background Checks
  - The board strongly believes all athletic trainers should submit to a national criminal background check for all new license applications.
  - Board recommended this action at its last meeting on September 20, 2011.
- Require athletic trainers in all high schools that sponsor athletic events
  - Given the potential harm and risk to the general public athletic trainers face each day, athletic trainers should be required at all sanctioned sporting events in all secondary schools.
    - Currently fewer than 60% of all secondary schools have access to an athletic trainer.

Mr. Lawrence distributed several letters to the committee members that encourage continuation of the Indiana Athletic Trainers Board and are attached herewith as Exhibits C-G.

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|-------------------|--|
| Committee Member: | Have there been inquiries into allowing other states licenses to be accepted longer than one week under reciprocity?   |
| Mr. Lawrence:     | The bulk of events that occur under the reciprocity agreement are normally one week. This is a per event situation instead of a one week total for the year. |
| Committee Member: | Is there a difference between national and state requirements for athletic trainers?   |
| Mr. Lawrence:     | The only difference is that nationally they require certification and that you graduate from an accredited institution with a master's degree.               |
| Committee Member: | Does an athletic trainer need a written formal agreement with a licensed physician to practice?  |
| Mr. Lawrence:     | Yes. A licensed AT must have an agreement with a medical director or a key person to work in contact with the public.  |
| Committee Member: | Can the public have direct access to ATs?  |
| Mr. Lawrence:     | No. They have to have the referral of a physician.   |

Committee Member: Are there any ATs that have their own offices?  
Mr. Lawrence: Yes. However, they can only observe and give advice until they have orders from a physician.

### **Findings and Recommendations of the Physical Therapy Committee and the Indiana Athletic Trainers Board**

#### **Physical Therapy**

Dean Graham stated that he received a request from another group that wants to testify regarding the Physical Therapy Committee and asked other ROEC members what the policy should be regarding this. He reminded the committee that this also occurred with the Indiana State Department of Health when they came before them to discuss the Health Facility Administrators.

It was decided that the Medical Licensing Board, members of the medical community, physical therapists and physical therapy associations will be invited to the May 23 meeting. They will have the first hour to discuss their concerns and have a time of questions and answers with the ROEC Committee. They then decided to table the recommendation regarding resources until the above referenced discussion takes place.

Frances Kelly suggested that the committee may have a better opportunity having a member replaced if either the PT committee or their association recommended individuals directly to the Governor's office.

It was agreed upon by the committee that the PT board be given the authority to make a rule to determine the number of exam attempts.

The committee determined that they will add elimination of professional corporations and direct access to the global issues list that will be discussed at their next meeting.

#### **Athletic Trainers**

Dave Miller informed the committee that he will work with the athletic trainers board regarding the consumer complaint process recommendation to see if they can improve the existing form.

Regarding the recommendation about criminal background checks, Frances Kelly concurred that the AT's fit into the category of medical professionals and should have been included.

Dean Graham feels that a cost benefit analysis needs to be done regarding recommendation number four requiring an athletic trainer in all high schools and athletic events. He stated that until this type of information can be reviewed it would be difficult for legislators to see what types of costs savings can be involved.

## **Report from ROEC Subcommittee on Physician Assistants**

Frances Kelly told the committee that she did not have an opportunity to work on this with Barry Boudreaux, but that she has drafted some thoughts and would like an opportunity to go over them with him. She stated that they will then forward the information onto the other committee members within forty-eight hours of the next meeting.

### **Review Schedule**

#### **MAY 23, 2012 – 9am-12pm**

- Discussion and Inquiry Regarding Physical Therapy Issues
- Discussion of IPLA/Regulatory Cross-Cutting Issues

#### **JUNE 20, 2012 – 9am – 2pm**

- Finalize Report to HEALTH FINANCE COMMISSION (due not later than 7/1/2012)

#### **AUGUST 22, 2012 – 9am-3pm**

- Respiratory Care Committee – “Part A & B” presentation
- Indiana Auctioneer Commission – “Part A & B” presentation
- Findings and Recommendations of the Respiratory Care Committee and the Indiana Auctioneer Commission

#### **SEPTEMBER 19, 2012 – 9am-12pm**

- Discussion of IPLA/Regulatory Cross-Cutting Issues

#### **OCTOBER 24, 2012 – 9am-3pm**

- Indiana Plumbing Commission – “Part A & B” presentation
- Indiana State Psychology Board – “Part A & B” presentation
- Findings and Recommendations of the Indiana Plumbing Commission and the Indiana State Psychology Board

#### **DECEMBER 5, 2012 – 9am-12pm**

- TBD

### **Adjournment**

Chairperson Graham adjourned the meeting at approximately 2:45 p.m.

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Dean John Graham, Chair

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Date

Indiana Regulatory Occupations Evaluation Committee

#### **Next Scheduled Meeting:**

May 23, 2012

9:00 a.m.

Indiana Government Center South  
Conference Center Room W064